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OFFICE OF PETITIONS

In re Application of :
Haab, et al. : DECISION ON PETITION
Application No. 09/550,303 :
Filed: April 14, 2000 :
Atty. Dkt. No.: S99-066 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 25, 2005.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned April 13, 2004 for failure to timely submit a proper reply to the Notice of Appeal filed November 12, 2003. An appeal brief or other proper reply was due on or before January 12, 2004. An improper CPA and petition for extension of time were submitted April 12, 2004. Notice of Abandonment was mailed January 14, 2005. A petition under 37 CFR 1.181 was submitted June 23, 2004 and denied January 14, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice of Appeal filed November 12, 2003 is accepted as having been unintentionally delayed.

This application file is being forwarded to Technology Center 1600 for processing of the RCE submitted herewith.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a stylized, cursive script.

Alesia M. Brown
Petitions Attorney
Office of Petitions